

**OPEN LETTER TO CAMERON COUNTY COMMISSION**

Margo Támez\*

**INTRODUCTION**

**Background:** In late July 2007, Eloisa García Támez began receiving telephone calls from U.S. Department of Homeland Security (DHS) agents informing her of the government's plans to construct a wall across her lands. Their insistent pursuit of a signed waiver allowing the government access and title led to a series of controversial invasions of Támez' privacy—at her place of work, at home in the evenings, on weekends, and in public spaces. DHS' demands that she sign a waiver granting the government title to her lands turned into volatile verbal confrontations and threats. Támez is a Lipan Apache and land grant title heir to lands originally held collectively by her ancestors in the Ranchería of El Calaboz, Cameron County, South Texas. By August of 2007, DHS, U.S. Customs Border Patrol (CBP) and the U.S. Army Corps of Engineers (ACE) proceeded to press for her waiver. Their insistent demands finally caused Támez to officially refuse to sign officially. She invited the representatives of the three agencies to her work place and in front of all, officially informed them of her decision. At that time, according to her testimony, she was informed that her name would be added to a "list of refusers." Her refusal to waive her lands to DHS was based upon her position on indigenous and human rights.

Támez is represented by Peter Schey, director of the Center for Human Rights and Constitutional Law in Los Angeles, California, and supported by a local, regional, national and international body of legal 'cells' from the University of Texas at Austin Law School, the Rapoport Center for Human Rights and Justice, the Advancement Project, and Native American attorneys in private practices. Támez' indigenous support base stimulated a cohesive cyberspace 'netwar' comprised of community organizations, international indigenous organizations, student groups, and critical Mexico-U.S. binational Native American networks. Soon, the quiet community of El Calaboz, whose ancestors fought off Spanish colonization, found themselves in the center of a ground-breaking constitutional law case.

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\* Margo Támez is a post doctoral student in American Studies at Washington State University.

This “Open Letter to Cameron County Commission” (“Open Letter”) is an example of the resurgent resilience of Ndé and Nnee<sup>1</sup> communities who have been divided by the Mexico-U.S. International Boundary and whose long-term resistance to Spanish, Texan, Confederate, Union, and U.S. colonizations has fortified vigorous Native American communities and their ability to pursue self-determination at the international borders of the United States. As numerous indigenous communities join in anti-colonial alliances to disrupt the Secure Fence Act,<sup>2</sup> their struggles reveal profound commitments to being managed by the United States and Mexico as internal colonies. From the perspective of El Calaboz tribal law leaders—elder women—the violence of colonial governments and settler societies impose significant destruction upon and grave risks to the survival of indigenous lifeways. The Open Letter was an effort to assert Lipan Apache tribal rights, trigger land grant mechanisms, and invoke international law in indigenous communities situated physically along the International Boundary. By combining many oral traditions and narratives of the indigenous people of the Lower Rio Grande valley in South Texas, the Open Letter foregrounds the critical importance of local communities’ desire to disrupt non-inclusive processes and to demand their rights to consultation and Free and Prior Informed Consent. In this letter, a sense of tribal place, history, matrilineal law, customary law, and the experience of indigenous communities existing at the fringes of two nation-states demonstrate the shadow-existences led by Lipan Apache communities. Being forced to live under this shadow, the Lipan Apache communities have been denied their most fundamental human rights, recognition, reparation, and any acknowledgement of the human toll on their communities. These denials, perpetrated under color of the ‘freedoms’ enjoyed by U.S. and Mexican citizens, have stripped from Lipan Apache and other border indigenous communities, already existing marginally at the fringes of both borders, the most basic human rights. The local voices streaming through this urgent call for attention both exercise and test the breadth of the United Nations Declaration on the Rights of Indigenous Peoples,<sup>3</sup> testing whether this declaration is more than a minimum standard for indigenous

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<sup>1</sup> ‘Apache’: Lipan, Jumano-Apache, Mescalero, Chiricahua

<sup>2</sup> Secure Fence Act of 2006, P.L. 109-367, 120 Stat. 2638 (Oct. 26, 2006).

<sup>3</sup> United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007) [hereinafter Declaration on the Rights of Indigenous Peoples].

peoples' inclusion. These voices challenge whether or not this instrument has any application to the land-based and anti-militarization struggles of indigenous peoples whose traditional territories are divided by U.S. international borders and by western legal thought.

Margo Támez

**Cameron County Judge**, Judge Carlos Cascos

*Cameron County Commissioners:*

Sophia Benavides, Edna Tamayo, David Garza, John Wood

June 3, 2008

Dear Cameron County Commissioners,

My name is Margo Támez, and I am a lineal descended Lipan Apache person of the Lower Rio Grande region and directly tied through lineal descent to El Calaboz Rancheria, lands held in my family on the Lipan Apache side prior to the Spanish settlement, and lands acquired by both my Basque and Lipan Apache ancestors through Spanish land grants of the San Pedro de Carricitos (1763), registered as #336 in the Texas Land Office. Currently, I am completing requirements towards a PhD in American Studies at Washington State University. I have concerns about the position the Cameron County Commission has taken on the construction of a wall on the levee in El Calaboz, where my mother, Dr. Eloisa García Támez resides on our ancestral lands. My mother reports that the U.S. Department of Homeland Security ("DHS") has ordered condemnation of our lands for the construction of a military style structure on our ancestral lands. We have received reports that the U.S. government has authorized the bidding on contracts to commence construction of an 18 ft. high structure through our traditional and ancestral lands, habitats, farmlands, riparian flyway, water rights, levee. The government has essentially positioned itself to destroy our ancient way of life, since time immemorial.

My intention is to bring to your awareness the ancient and continuing presence of Lipan Apache communities along the Rio Grande, and to the fact that a key figure of the Lipan Apache, my mother, is currently engaged in a class action law suit against the DHS, Secretary Michael Chertoff, and the U.S. Army Corps and U.S. Customs and Border Patrol ("CBP") for the aggressive and illegitimate pursuit of eminent domain and the 'Declaration of

Taking Act' against unarmed, civilian populations in the Lower Rio Grande.<sup>4</sup>

DHS has committed wrongful acts against the indigenous people of El Calaboz, who are lineal descendants of First Nation/Aboriginal people of the entire region—the Apache, Comanche and numerous other tribes. My mother, Dr. Eloisa García Támez, is acting on behalf of the community elders, and with the full support of the people in El Calaboz, as well as many other river communities along the entire Texas-Mexico border who are related to us either through blood-lineal relations and/or through cultural affinities.

Our family, extended family, and many of our related clans of the Lipan Apache Band of Texas, are firmly against the border wall, 'tactical infrastructure,' virtual technologies of surveillance, CBP and National Guard foot-soldiers and ground personnel, and any impediment to the practice of our local, regional, and indigenous way of life on our lands.

### **Lipan Apache Communities, Cameron County, Texas**

Through numerous centuries, the indigenous Lebaise' Nde' (Lipan Apache people) of this region have fundamentally resisted the forced development, militarization, soldiering and occupation of our cultural resources, lands, sacred sites, antiquities, human burial remains, sacred plants and animals, homes, religions, languages and way of life by Spain, Mexico, the Texas Republic, the Confederate States of America, the State of Texas and the United States government. To protect our Native American culture, environment, ecologically-based economies and cultural practices of religion, and our ancient way of life, we, under protest, have refused to allow further ingress and damages to our lands by the U.S. We perceive the actions of the U.S. at this time as racist, sexist, colonial, aggressive and nothing short of physical, spiritual and cultural genocide.

To protect our people and way of life from further colonization and assimilation, which have negatively impacted our cultures and forced us into conditions of poverty, disease, malnourishment, diaspora and genocide, we refused the U.S. access to or the ability

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<sup>4</sup> United States v. Garcia Tamez, No.1:08-CV-0004 (S.D. Tex. filed July 1, 2008); Garcia Tamez v. Chertoff, No. 08-CV-055 (S.D. Tex. filed Feb. 6, 2008).

to take, cede, or confiscate our lands, for the reasons outlined in our legal briefs.<sup>5</sup>

We are the ancestral caretakers who work with the El Calaboz elders, lands and cultural resources, of the Lipan Apache and other lineal-descent indigenous families of El Calaboz. We are a community of aboriginal people of the Lower Rio Grande, related to many other indigenous bands and communities of Lipan Apache throughout the region and the United States.

My mother is representing a community's interests in order to tease out the larger legal implications and the interests of a distinct ethnic group, a First Nation under Tribal Law. She is not merely focused on a 'private' or 'individual' matter. As the current legal brief asserts, these actions attempt to dispossess border indigenous people's rights claims as 'real estate,' rather than 'culture.'

As lineal descendants of aboriginal people, through power vested to us in Tribal Law, and through the ratified 2007 United Nations Declaration on the Rights of Indigenous People,<sup>6</sup> we are acting as the legitimate, sovereign caretakers and decision makers of archaeological remains, antiquities, ecological, botanical, mammalian, environmental, agricultural, aquatic and indigenous habitats and resources of El Calaboz Rancheria.

### **U.S. Department Of Homeland Security, 'Walls', 'Ground Personnel', Militarization, Lipan Apache People, El Calaboz Rancheria & The Rights Of Indigenous People**

To date, DHS has not properly consulted local indigenous individuals and groups in a proper forum, related to *Free and Prior Informed Consent* under local customary law of El Calaboz, land grant procedures of land-tenure, State Land Office laws governing Land Grant lands held in common and by individuals, or international customary law. At the same time, neither have the representatives of Cameron County properly focused on their political and legal positions and responsibilities unique to the special status of Native American tribes, bands, clans, communities and individuals, including indigenous aboriginal groups under both Federal and International laws.

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<sup>5</sup> Briefs of Respondent, United States v. Garcia Tamez, No.1:08-CV-0004 (S.D. Tex. case filed July 1, 2008); Briefs of Plaintiff, García Támez v. Chertoff, No. 08-CV-055 (Southern Div. Tex. case filed Feb. 6, 2008).

<sup>6</sup> Declaration on the Rights of Indigenous Peoples, *supra* note 3.

With due respect to the Commission, our community members are in great peril of extinction and at risk of genocide. The border wall will not only hinder the health of our requisite ecological habitats for water, birds, plants, mammals, and other wildlife, but it will also increase the already endangered status of our Nde' people who have suffered great impacts as a result of NAFTA policies in this region.<sup>7</sup>

We must listen to the voice and will of the people who are related to us. We will proceed to protect our legitimate civil, constitutional, and due process rights to the social, economic and political positions of the T'nde people. We will continue to follow our culture and to protect our natural resources as the aboriginal peoples of these lands, under the authority of matrilineal Tribal Signatory Law rights as the Shimaa Ha't i'i' Shini' Nde', hik'e shimaa Nde' bedanohwik'ehgo shinii' hagolaa nde' bá da'oikqah, which translates to "Mother clan lands of the Apache, and mothers in charge of the lands where the Lipan pray."

As the aboriginal peoples of Shimaa Ha't i'i' Shini' Nde', we are a peaceful people. However, my mother, acting on behalf of the interests of lineal descendants of Lipan Apache heritage directly tied to their matrilineal roots in El Calaboz, La Paloma and El Ranchito, sees it as her lineal and cultural obligation to assert the civil, constitutional, and due process rights of the aboriginal peoples who've suffered much through the *centuries* of conflict between settler states and our indigenous peoples. Since we are one of the *primary* first contact aboriginal groups in these lands, we have experienced tragic impacts on our cultures, environments, ecological economic way of life and livelihoods as a direct result of racism, sexism, industrialization, militarized force, and forced assimilation through colonization by the empires and nations of: Spain, the Republic of Mexico, the Republic of Tejas, the Estados Unidos de México, the State of Texas, the United States and the International Boundary and Water Commission.

My mother is named on a groundbreaking Constitutional Law case,<sup>8</sup> upholding anti-racist, and Equal Protection<sup>9</sup> rights for our community members, in addition to all river community members in three counties against the building of a racist, militarist border wall through what is left of our larger territories, *Apachería*. This

<sup>7</sup> See *Maquiladoras at a Glance*, CORP WATCH, June 30, 1999, <http://www.corpwatch.org/article.php?id=1528>.

<sup>8</sup> Garcia Tamez v. Chertoff, No. 08-CV-055 (S.D. Tex. filed Feb. 6, 2008).

<sup>9</sup> U.S. Const. amend. V.

land originally consisted of millions of acres belonging to the Lipan Apache people in the current states of Texas, Tamaulipas, Coahuila, Nuevo Leon, Chihuahua and New Mexico. Protecting the small *porciones*, the “scraps,” which the colonizer societies left to the indigenous land title-holders, is a long and involved process of sovereignty, self-determination and autonomy for Lipan Apache lineal descendants in Cameron County.

Yet, at the same time, my mother is the lineal descendent of the First Nations People, who received traditional ceremony from her elders and the law of her ancestors. These cultural aspects give her the authority to speak, to work for, and to accomplish the difficult tasks that Nde’ people self-determine as our political, social, and economic agenda for our future generations. The current day struggle to protect our remaining land-base is an indigenous struggle against further genocide and holocaust against our people and culture. Our people-based and community-based laws are a current reflection of an inherent ancient tribal law system based in women’s lineal relations to land, ancestors, holy people and children. This tribal law system is inherent to the land and is reflected in more than 10,000 years of oral history as a First People.

Indigenous people’s resistances to tactical infrastructure, technological surveillance apparatus, and increased soldiering (CBP, Army National Guard, Marines, local police) of our natural, ecological, environmental, archaeological, agricultural and aquatic spaces in El Calaboz is a sustained strategy to protect our people, lands, culture and way of life. My mother, elders and the many people they seek to harbor are engaged in a struggle to restore constitutional law and democracy. To this end, we seek strategies to preserve sustainable security and protect our people from the aggressions of nations, armies, paramilitaries, detention centers, the ruptures of civil liberties, the privileging of private corporation’s rights over indigenous and poor peoples’ rights, the vulture-isms of war contractors on economically and politically marginalized groups, the subversive empowerment of racist mercenary militias, and the conspicuous historical amnesia that public servants use to deny the real crisis unfolding in the Mexico-U.S. ‘homeland’ of white racism, xenophobia and hatred of brown bodies, indigenous people.

Current sociological data reveals that since 1997 when my Jumano Apache relative, Esequiel Hernandez, was murdered by Joint Task Force 6 Marines in Redford, Texas, indigenous communities along

the border suffer high rates of discrimination, repression, depression, fear, anxiety, trauma, injuries and death directly related to interactions with the CBP, Army Rangers, Marines, Army National Guard, and local police forces. In El Calaboz, we are committed to sustaining a serious engagement against racism, sexism, assimilation, unsustainable development, privatization of our aboriginal water source, the Rio Grande, and increased militarized policies and technologies. The apparatus of the above forces has formed a narrative that empowers and idolizes the State actors and their allies (armed personnel) and criminalizes indigenous people (unarmed civil society) along the border. The Congressional evidentiary testimony of the Redford Citizens in 1997<sup>10</sup> spoke eloquently and tragically to this dichotomy, which is currently being replayed for mass consumption in the Lower Rio Grande.

We are gravely concerned about the intensified plans to force a wall, known by the euphemism “an 18 foot high levee retainer,” or other massive building projects *through, on or in* the First Nations lands of El Calaboz. The river and levee communities are and have been the protective barriers from drug traffic and other forms of violence. Yet, the approach today is to *criminalize* our communities (youth, elders, women, men) and our habitats (Carrizo, cacti, mesquite, ebony) by forcing us away from our lands and livelihoods.

Sadly, what the world outside Cameron County does not understand, but what the Native American community of the U.S., Mexico and Canada clearly understand, is that El Calaboz and my mother stand to protect Lipan Apache sacred sites, our ecologically protected zones, our environmentally fragile ecosystems which are riparian and aquatic flyways for migrating animals, our sacred indigenous medicines, our agricultural and aquatic livelihoods, and our daily way of life. We are not alone in this struggle. Hundreds of blood-relations and members of other tribes have signed as signatories on our Resolution.<sup>11</sup>

Our case has been well publicized locally, state-wide, regionally, nationally, and internationally. Representatives from the International Indian Treaty Council, the International Organization of American States, the United Nations Committee

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<sup>10</sup> Hearing on the Shooting in Redford, TX Before the H. Subcomm. on Immig. and Claims of H. Comm. on the Judiciary, 105th Cong. (1997).

<sup>11</sup> United Nations Permanent Forum on Indigenous Issues, 7th Session, New York City, April 21-May 2, 2008.

on the Elimination of Racism and Racial Discrimination and the United Nations Permanent Forum on Indigenous Issues have contacted us directly in support of protecting El Calaboz, Lipan Apaches and all negatively impacted border communities, indigenous land rights, and the environment against further destruction by the greed of military contractors, water developers, mining corporations and development schemes. In the hemisphere's eyes, the Lipan Apache Women (El Calaboz) Defense/Strength's struggle against oppression, racism, sexism, and dehumanization represents the strength, dignity and intelligence of indigenous women in the 21st century.

### **Further Concerns—Racism, Equal Protection, and Lipan Apache People of El Calaboz Rancheria**

The Commission's recent approval of a 'border wall' is a sign to the local community that the State has taken up problematic positions against civil society, and specifically in El Calaboz, against indigenous people—elders, children, women and men. We are well-educated in border technologies: tactical infrastructure, an 18 foot wall, militarized 'no man's zone,' increased virtual technological walls/fences, increased soldiering, and the military enforcements which will necessarily come with the decisions the Commission has undertaken to work on in collaboration with the DHS's director, Michael Chertoff. Mr. Chertoff, who is the primary defendant in the class action suit of now over 3 million civilians along the Texas border,<sup>12</sup> has made public remarks referring specially to individuals who will not bend or break to the pressure of the State. He casually calls us 'resisters,' 'dissenters,' and 'refusers' and implies that we are somehow of a low moral quality, as signified by his use of the phrase "they are just trying to profit."

Be clear, our law suit is not about gaining money, as Secretary Chertoff continues to espouse. Rather, our legal, political, social and economic struggle is about preserving our land-based culture — the only way we know how to be Native and the only way we can survive. If we do not have our rights protected and upheld by local enforcement to practice our culture as a land-based aboriginal group, then we are an aboriginal ethnic group that is being singled out for extermination through existing policies. That is discrimination and is illegal. By dispossessing indigenous people of their lands, the State is responsible for the genocide of

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<sup>12</sup> Garcia Tamez v. Chertoff, No. 08-CV-055 (S.D. Tex. filed Feb. 6, 2008).

elders, workers, families, school-age children, pregnant women, and taxpayers who are Native American people aboriginal to Cameron County.

Our people have experienced these same types of de-humanizing processes in the prolonged U.S. wars against Apache people who suffered through several waves of colonization and development. These have been well documented not only in textbooks, scholarly articles, dissertations, master's theses, and archival records but also through field reports of the U.S. Army Corps Engineers.

The recent barrage of racist rhetoric which Secretary Chertoff uses to negatively influence the public into thinking that *we* in fact are 'terrorists' or 'uncooperative refusers' is not camouflaged but rather is extremely transparent. The continued obfuscation of indigenous concerns in Texas, South Texas, and in the bi-national region of Mexico-South Texas, is a growing national and international crisis. This is evidenced in the mound of headlines circulating throughout the Internet since August 2007, specifically regarding our case and the human and indigenous rights abuses occurring in Cameron County.

The rupture of over 35 Constitutional and Federal laws of the United States of America by one individual agency is nothing less than a mutiny from within the United States. Internationally it has signaled a crisis in democracy of astronomical proportions within the nation state. Local authorities of the region have not only participated in, but are positioned to benefit from, the social, economic and political decisions launched against the poorest indigenous communities along the Rio Grande in the United States. They continue to barrage and bombard us with force and to further aggravate hostilities between the U.S. settler society and aboriginal peoples by forcibly removing us from our Shini" Shimaa. Civilian and unarmed communities, my mother, and my elders are faced with *armed* CBP, *armed* Army personnel, and *armed* DHS agents. This is the face of marshallism, not a democratic society.

As a result of the increased militarization of the Mexico-U.S. border, of our communities on the river, and of the levee, our community members have experienced the heightened negative impact of mental and psychological intimidation, threat and terrorism by their own governments. "We the People,"<sup>13</sup> are terrorized daily by the U.S. government's armed personnel in our

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<sup>13</sup> U.S. CONST. pml.

everyday spaces on the border and levee. All local governmental agencies who actively participate in the procedural implementation of a renegade government in crisis are complicit in the deaths and injuries that our communities will surely suffer as a result of this hostile approach to peace and security.

According to recent studies, unarmed and peaceful border communities have the highest levels of injuries and fatalities related to U.S. military, Joint Task Force 6,<sup>14</sup> and the militarized training of all Border Patrol recruits from the interior who have little to no prior knowledge or understanding of historical lifeways along the river and the levee.<sup>15</sup> Our people, our elders, and our vulnerable youth are the *first* in the line of fire when things go wrong in military operations. Our histories as Apache peoples in Texas testify to this. My grandfather was a victim of this dehumanization and psychological warfare in an earlier period of land-grabs, development and privatization—in the shameful days when the Texas Rangers, supported by the power infrastructure, lynched indigenous and bi-racial groups in our communities

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<sup>14</sup> See “Joint Task Force North,” <http://www.jtnf.northcom.mil/subpages/history.html> (accessed Feb. 22, 2009).

Joint Task Force North (“JTF North”) was formerly known as Joint Task Force-Six (“JTF-6”). In a ceremony conducted on September 28, 2004, JTF-6 was officially renamed JTF North, and its mission was expanded to include providing homeland security support to federal law enforcement agencies.

In response to President George H.W. Bush’s declaration of the “War on Drugs,” General Colin Powell, then Commanding General of the U.S. Army’s Forces Command, issued the order on November 13, 1989 that established JTF-6 at Fort Bliss, Texas.

JTF-6 was established to serve as the planning and coordinating operational headquarters to support local, state, and federal law enforcement agencies within the Southwest border region to counter the flow of illegal drugs into the United States.

JTF-6’s original area of operations consisted of the four border states of California, Arizona, New Mexico and Texas -- a land area of more than 660,000 square miles. In February 1995, by directive of the Commanding General of U.S. Army Forces Command, JTF-6’s area of responsibility was expanded to include the entire continental United States, Puerto Rico and the Virgin Islands. In June 1997, responsibility for Puerto Rico and the U.S. Virgin Islands was transferred to U.S. Southern Command.

*Id.*

<sup>15</sup> TIMOTHY DUNN, THE MILITARIZATION OF THE U.S.-MEXICO BORDER, 1978-1992: LOW INTENSITY CONFLICT DOCTRINE COMES HOME (1996); ROBERT LEE MARIL, PATROLLING CHAOS: THE U.S. BORDER PATROL IN DEEP SOUTH TEXAS (2004).

between 1898 and 1911. Over 5000 individual aboriginal people were lynched during this era in Cameron County. However, the amnesia which infects government policies today is incapable of making ‘sense’ or ‘logic’ of why the river-based peoples are the most highly resistant to these modern racist policies.

### **Cameron County and Indigenous People of Apacheria— Militarization and Low-Intensity Conflict Comes Home**

Today, we Lipan Apaches and indigenous people are being violently forced off our lands through the political, legal and economic measures of the U.S. This is the face of *de jure* racism in Cameron County at the U.S.-Mexico border, the poorest county in the U.S. according to the most recent census data.<sup>16</sup> We pray that the Cameron County representatives now gathering to work with the DHS to privatize our lands and to make deals with the federal government are going to hear the voices of the indigenous people, the First Nations, whose ancestors were born of this region and who have legitimate rights to protect our resources. These claims are legitimately based upon the *United Nations Declaration on the Rights of Indigenous Peoples*<sup>17</sup> and Texas Land Office laws<sup>18</sup> governing Land Grants<sup>19</sup> which are held as legal and customary law in Texas. We are a community with a long-term memory regarding the militarization and hostile taking of our lands through illegitimate, racist, and Marshallist methods. As in the past, today we have been shut out of the decision making process. We have not granted our authority to these processes nor have we given Free and Prior Informed Consent. We have allowed the U.S. to enter our lands under official protest. We are not ignorant. As the indigenous people in this area, we have rights to challenge further ingress into our lands to protect our sovereignty.

We are gravely familiar with militarization on the border in the present context, particularly through the horrific murder and militarized killing of young Esequiel Hernandez in Redford, Texas. People all along the border give daily testimonies of the increased hostile attitudes of the U.S. Army Corps and the CBP towards

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<sup>16</sup> U.S. Census Bureau, Cameron County, Texas, <http://quickfacts.census.gov/qfd/states/48/48061.html> (last visited Feb. 22, 2007); Texas Housers, New Census Study Documents Stunning Levels of Income Inequality in Texas, <http://texashousers.net/2008/08/28/new-census-study-documents-stunning-levels-of-inomce-inequality-in-texas/> (last visited Feb. 22, 2007).

<sup>17</sup> Declaration on the Rights of Indigenous Peoples, *supra* note 3.

<sup>18</sup> 31 TEX.ADMIN.CODE §§ 3, 13 (2008).

<sup>19</sup> 31 TEX.ADMIN.CODE § 13.3.

indigenous people who make their way of life and culture by and on the river's edge. Those are our rights as aboriginal people regardless of whether our territories are in a war zone. My mother is defending the rights of many who live by the ancient ways and who are under threat of extinction due to hostile and arrogant governments unwilling to listen or to learn from the people. We perceive that El Calaboz could become the next Redford due to the belligerent way in which local government is forcing our community members into isolation, is neglecting us, and is criminalizing our inherent right to resist and refuse this racist aggression. Cameron County Commission's support for the barrier wall is evidence of a fundamental disregard for Cameron County's indigenous people's rights. The County knows full well the negative impacts that this wall is already causing socially, psychologically, spiritually and physically among the indigenous populations. It also knows the estimated negative impacts this wall *will* have based on the testimonies of specialists, experts and professionals.

At this time, my mother, our relatives and our neighbors are reporting numerous negative consequences from the increased presence of CBP on our private property—specifically our levee, our fields, our graveyard sites, our earthen roads, our backyards, and our frontyards. CBP even demands entry into our homes with no cause. In essence, our lands, our cultures, our livelihoods, and our way of life are in jeopardy due to the aggressive harassment of and assault on individuals who insist on protecting their sacred and civil rights. The increasingly hostile methods used by CBP to accost individual elders while they are practicing their culture, livelihood and way of life on the levee and on lands on either side of the levee—which they own—is a continuing threat and endangerment to our individual families and our whole community, a community which is interconnected through this land and a history of racism, violence and extermination of our people by hostile governments.

### **State and Corporations—Negative Impacts on First Nation/Aboriginal Land Grant Title Holders In Cameron County**

At this time, I urge you to re-consider the impacts your decision to imprison my mother, elders, our habitats, our sacred sites, our medicinal plant resources, and our way of life inside a militarized wall system. Given the fact that our land-based lifeway is located centrally inside one of the most economically, socially and

politically marginalized communities in Cameron County, this decision will have devastating consequences for our community. We represent an important sector of the Native American community, which in Texas is *the* most marginalized—indigenous women, elders and children of Apache heritage and culture. Decision making by state authorities has long been done without the consent of the Native American communities. If your organizing body rejects the very critiques made by local people against DHS in regards to its “no consultation” policy and the illegitimate, unwanted militarization of our spaces, those decisions will be made against the people. This path that Cameron County Commission has forged, in isolation from major constituencies across all border civil, political and government sectors, tends to make Native Americans feel like we are being held hostage by an oligarchy, not a democracy.

From the Lipan Apache perspective, we do not authorize or give our Free and Prior Informed Consent to your Commission. We authorize our own representatives to speak and act on our behalf through dialogue, negotiations and consultation with DHS on critical constitutional rights, human rights and indigenous rights issues we are facing. We are self-authorized and recognized under International Law as having the power to pursue our unique path toward articulating our rights as an indigenous government and protecting our indigenous lands and cultural resources. We see our conflict not only with the U.S., but also with U.S. collaborators in the region who benefit from racism, sexism, exploitation, privatization, development and militarization against us, our Native American cultural resources, our antiquities, our sacred sites, our traditional campo santos—which are protected under Texas Historical Commission preservation,<sup>20</sup> and under Texas law as our ecological resources,<sup>21</sup> our land and water resources and our way of life.

Specifically, multiple nations, corporations, organizations, and groups stand to profit in numerous ways at the further expense of the indigenous peoples of Cameron County. Canada, Mexico, and the U.S.-Mexico International Boundary and Water Commission, as well as the following contractors, are directly involved in the militarization and development of ‘constant war’ in our region, racism against indigenous people, the destruction of indigenous ways of life, and the buildup of a militarized region. The following

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<sup>20</sup> TEX. NAT. RES. CODE ANN. § 191 et seq (Vernon 2001).

<sup>21</sup> 31 TEX. ADMIN. CODE § 59.64.

data is excerpted from a report the Lipan Apache (El Calaboz) Women Defense/Strength submitted to the *United Nations Committee on the Elimination of Racism and Racial Discrimination* on December 26, 2007:<sup>22</sup>

**Corporate Contracting and the Political and Economic Roots of International Militarization & Global Policing in Ta' ma ho lipam—the Lower Rio Grande, Place Where the Lipan Pray:**

The following is a list of corporate and institutional contractors which the United States has secured billions of dollars in private contracts for the implementation of the *Secure Border Initiative Project Network*<sup>23</sup> under authority of DHS:

- Lockheed Martin<sup>24</sup>
- Texas Divisions of Raytheon (Network Centric Systems)<sup>25</sup>
- L-3 Communications (Integrated Systems)<sup>26</sup>
- Northrup Grumman (Los Angeles, CA)<sup>27</sup>
- BAE Systems (Austin, TX)<sup>28</sup>
- SAIC of San Diego<sup>29</sup>
- Computer Sciences Corp of El Segundo, CA<sup>30</sup>
- America's Border Security Group (Ericsson Inc., Plano, TX) (NASDAQ:ERICY)<sup>31</sup>
- Fluor Corporation (NYSE:FLR)<sup>32</sup>

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<sup>22</sup>Apache Nation Border's Petition – <http://www.petitiononline.com/dawnnlp/petition.html> (last visited Feb. 22, 2009).

<sup>23</sup> Secure Fence Act of 2006, P.L. 109-367, 120 Stat. 2638 (Oct. 26, 2006).

<sup>24</sup> *Defense firms turn to border security*, MILITARY & AEROSPACE ELECTRONICS, Dec. 28,

2005, [http://mae.pennnet.com/display\\_article/244491/32/ARCHI/none/ONE\\_WS/1/Defense-firms-turn-to-border-security/](http://mae.pennnet.com/display_article/244491/32/ARCHI/none/ONE_WS/1/Defense-firms-turn-to-border-security/). (“The government’s high-profile offensive to control the borders is spawning a growth market for the nation’s defense industry.”)

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Ericsson's America Border Security Group (ABSG) Offers Proven Effective Solution for U.S. Border Security, AEP NETWORKS, AMERICA'S BORDER SECURITY GROUP, June 1, 2006,

[http://www.aepnetworks.com/news/press\\_archive/release\\_06012006.htm](http://www.aepnetworks.com/news/press_archive/release_06012006.htm).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

- SYColeman Corporation (A Division of LC Communications)<sup>33</sup>
- MTC Technologies<sup>34</sup>
- CAMBER Corporation<sup>35</sup>
- AEP Networks, Inc.<sup>36</sup>
- Texas A & Am University<sup>37</sup>
- University of Texas (Austin)<sup>38</sup>
- Boeing (Seattle, WA; Secure Border Initiative/SBInet—“Project 28”)<sup>39</sup>
- Kellogg Brown & Root (Halliburton)<sup>40</sup>
- Secure Border Initiative Network (SBInet) major partners<sup>41</sup>
- United Kingdom Home Office<sup>42</sup>

**Protecting Our Land, Resources, And Culture—Lipan Apache Women Defense/Strength In Cameron County, Lower Rio Grande Valley**

As the Co-Founder of the Lipan Apache (El Calaboz) Defense/Strength and as a lineal descendent of the First Nation, Aboriginal, Native American people of these territories, I have grave concerns about the intensified plans to fortify the wall and

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Joseph Richey, *Fencing the Border: Boeing’s High-Tech Plan Falters*, CORP WATCH, July 9, 2007. <http://www.corpwatch.org/article.php?id=14552>; Michael Riley, *Fortress America--Building a Border: Part 2*, DENVER POST, March 06, 2007, [http://www.denverpost.com/fortressamerica/ci\\_5356695](http://www.denverpost.com/fortressamerica/ci_5356695); David McLemore, *Border Residents Fuming Over Fence Plans*, DALLAS NEWS, June 26, 2007, <http://www.dallasnews.com/sharedcontent/dws/news/texassouthwest/stories/062707dntex>.

<sup>40</sup> Margaret Downing, *Killing Fences: Totally Misconstrued*, HOUSTON PRESS, May 31 2007, <http://www.houstonpress.com/2007-05-31/news/killing-fences-totally-misconstrued/>.

<sup>41</sup> Joseph Richey, *Border for Sale: Privitizing Immigration Control*, CORP WATCH, July 5, 2006,

<http://www.corpwatch.org/article.php?id=13845&printsafe=1>. (Re: Boeing, Ericsson, Lockheed, Northop Grumman and Raytheon).

<sup>42</sup> *Raytheon Awarded Contract with U.K. Home Office for e-Borders Project*, PRNEWSWIRE, Nov. 14, 2007, <http://money.cnn.com/news/newsfeeds/articles/prnewswire/NEW03314112007-1.htm>.

confine our people, cultures, lands, waters, animals, plants and future generations.

I assert serious resistance to the impositions forced upon us through a government in extreme internal crisis and plagued by instability in its constitutional democracy. The U.S. government has now suspended over 35 Constitutional Laws and suspended democracy in order to increase the profits and bank accounts of corporations and institutions at the expense of the most marginalized indigenous, land-based groups. The armed and militarized tactics being used by the U.S. government to condemn land-grant title holdership and to forcibly remove indigenous people from our lands and sacred sites in order to construct a militarized wall are grave signs of a hostile and dangerous government endangering the most oppressed people.

The river, the levee, and El Calaboz' indigenous people's way of life *are* and *have been* the protective barriers from drug trafficking and other violence in our area of Cameron County. Yet, the approach today is to racialize, criminalize and victimize our communities, our cultures, and yes—even our medicinal plants. Thorned sturdy vegetation such as carrizo, mesquite, cactus, and ebony are considered 'threats' and 'menaces' by DHS. Allowing the border wall and militarization of our lands, milpas, and campo santos forces us and our culture away from our traditional lands, our heritage, our cultural resources and our indigenous livelihoods.

The Native American community of the U.S. clearly understands that Apache communities throughout Texas, New Mexico and Arizona, along with the elders of El Calaboz and my mother stand to protect Lipan Apache sacred sites, our ecologically protected zones, our environmentally fragile ecosystems which are riparian and aquatic flyways for migrating animals, our sacred indigenous medicines, our agricultural and aquatic livelihoods, and our daily way of life. We are situated and connected through our culture to the following:<sup>43</sup>

- The river – which is the life fluid of the most diverse sector of the whole Jumano Apache, Lipan Apache corridor. "The diversity of habitat in the lower Rio Grande Valley has

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<sup>43</sup> The following biological data was compiled from Texas Fish and Wildlife Service. *Lower Rio Grande Valley National Wildlife Refuge*, FISH AND WILDLIFE SERVICE, <http://www.fws.gov/southwest/refuges/texas/lrgv.html>(last visited Jan. 26, 2009).

resulted in a diversity of wildlife unsurpassed in other regions of the continent.”<sup>44</sup>

- Tamaulipas—which means “place where the Lipan pray,” or “ta ma ho lipam” is a Chichimeca phrase of indigenous people of the south, who already knew that Nde’ people had sacred sites in these territories, where many of our sacred sites still exist and belong to our people.
- Our region provides the highest level of diversity of the entire Rio Grande river, supporting the lives of: the speckled racer, southern yellow bat, Kimp’s ridley turtle, white-tailed deer, the collared peccary, alligators, and ocelots. In fact, the endangered ocelot which once roamed eastern, central and southern portions of Texas today exists mainly in the South Texas brush lands.
- This area is home to nearly 500 species of birds including “geotropically migratory birds, shorebirds, raptors, and waterfowl, as well as the chachalaca, green jay, great kiskadee, and least grebe.”<sup>45</sup>
- Among the butterfly people, we are home to more than 300 butterfly species including zebra longwings, Julias, and the Mexican bluewings. These butterflies are just one example of animals that depend upon safe flyways.
- One continuous riparian flyway, the Lower Rio Grande region and the leafy, wood people are at great risk as well. Current debates focused on “clearing brush to catch ‘illegal aliens?’” do not consider the threat to old-growth and requisite woodlands along the river necessary for ecological health and safety, as well as a staple for the traditional indigenous life ways.
- This region is home to “habitat” peoples who cannot speak for themselves in English, including “eleven unique plant and animal communities found in the four most southern counties of Texas.”<sup>46</sup> These critical sectors of the Lower Rio Grande region, again, are concentrated in Cameron County, home to Lipan Apache people. “Coastal barrier islands, resacas (oxbow lakes), desert-like brush lands, riverside woodlands, and caliche hillsides play host to a variety of plant and animal life. Native brush and trees include mesquite, sabal palm, Texas ebony, prickly pear, and

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

Montezuma bald cypress”<sup>47</sup> are but a few of the communities under threat by a border wall.

I respectfully ask that you please act and speak with respect to key members of civil society. Please consult my mother, myself and impacted traditional Land Grant community members of El Calaboz on all matters and decisions which you are undertaking in regards to any and all structures and infrastructure which will directly impact the Lipan Apache land title holders of this region. We have the right to defend our lands, habitats and resources and our ancestral way of life. We will continue to do so through the social, cultural, economic, political and legal mechanisms available to us.

Respectfully,

Margo Támez (Lipan Apache – Jumano Apache)<sup>48</sup>

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<sup>47</sup> *Id.*

<sup>48</sup> Calabozeporfolio: Supporting Documents,  
<https://mysite.wsu.edu/personal/mtamez/calaboz/Shared%20Documents/Forms/Dates.aspx> (last visited Feb. 22, 2009).